



**Rhode Island
Department of Environmental Management**

235 Promenade St., Providence, RI 02908-5767 TDD 401.222.4462

April 13, 2019

LETTER OF NON-COMPLIANCE

CERTIFIED MAIL

Mr. Brian Woodhead
DPW Director
143 Hedley Street
Portsmouth, RI 02871

RE: Portsmouth Transfer Station

Dear Mr. Woodhead:

On April 11, 2019 RIDEM Office of Waste Management personnel conducted an inspection of the Portsmouth Transfer Station. The following violations of the State of Rhode Island's *Rules and Regulations for Used Oil Recycling (Title 23-19.6)* and your current operating plan were observed:

- 1) Upon inspection of the facility it was noted that the release of used oil has been occurring near the oil collection igloo. According to Title § 23-19.6-7. of the state statute regarding used oil recycling: "The designated facility shall install and maintain on the premises used oil collection containers, properly sheltered and protected to prevent spillage, seepage, or discharge of the used oil, and of sufficient size to handle returns of used oil and used oil containers."
- 2) According to Section 1.2 Operation and Design Capacities of your current operating plan you stated that "JRV has trained the on-site personal in accordance with 40 CFR 273.16 and CFR 213.17 to recognize materials and releases of such which may be potentially be hazardous. Spill containment kit stations have been established at the transfer facility and will be maintained throughout the contract period. If a release should occur the attendant shall contain materials which he/she is trained to address, after which they will contact JRV's Operations Manager, to fully assess the incident and take appropriate actions."

Below is outlined the minimum required remedial measures that must be taken to address the above violations:

- 1) Immediately clean up the spilled material. Within ten (10) days of removal of the oil spill cleanup debris from the site, the owner or operator of the site shall submit to DEM documentation showing when the material was removed and documentation of its proper disposal.
- 2) In order to remediate future releases, oil spill containment kits shall be placed near the point of used oil collection and employees should be trained in spill cleanup procedures.

Please note, these matters must be expediently resolved to avoid the issuance of further enforcement actions which may include a Notice of Violation and Administrative Penalty, should these operating deficiencies continue to be observed during our Department's inspections. Your cooperation in this matter is anticipated. If you have any questions, please contact me at 222-2797, ext. 7511 or by email at Nathan.arruda@dem.ri.gov.

Sincerely,



Nathan Arruda
Environmental Scientist
Office of Waste Management
222-2797, ext. 7511

Authorized by.



Mark M. Dennen
Supervising Environmental Scientist
Office of Waste Management

cc: Robert Schmidt, OWM